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08/01/01

CUSTOMER NO. 22,852  
ATTORNEY DOCKET NO. 2356.0073-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS  
BOX CPA  
Washington, D.C. 20231

Prior Application Art Unit: 1647

Prior Application Examiner: S. Turner

SIR: This is a request for filing a Continued Prosecution Application as a:

☒ Continuation or ☐ Divisional application under 37 C.F.R. § 1.53(d) of pending prior nonprovisional application Serial No. 09/015,078 filed January 29, 1998 for CLONING AND CHARACTERIZATION OF THE flbA GENE OF *H. PYLORI*, PRODUCTION OF AFLAGELLATE STRAINS by the following named inventors:

Sebastian SUERBAUM; and  
Agnes LABIGNE

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. ☒ Applicants hereby petitions for a three month extension of time. The filing fee includes the amount of \$890.00 to cover the cost of this extension of time.
2. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
3. ☐ Enter the amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 but unentered, in the prior application.
4. ☒ A Preliminary Amendment will follow.
5. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53 (d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

Basic Application Filing Fee					\$710	\$ 710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	32	-	20	12	x \$18	216.00
Independent Claims	3	-	3	0	x \$80	0.00
<input checked="" type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$270	270.00
Subtotal						\$ 1,196.00
Reduction by 1/2 if small entity						- 0.00
TOTAL APPLICATION FILING FEE						\$ 1,196.00

7. ☒ This CPA is being filed without a filing fee under the provisions of 37 C.F.R. 1.53(f).
8. ☐ The Commissioner is hereby authorized to charge any fees including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 06-0916.
9. ☐ A verified statement claiming small entity status  
☐ is enclosed or ☐ is on file in the prior application.
10. ☒ Priority of application Serial No. 95-08068 filed on April 7, 1995 in France is claimed under 35 U.S.C. § 119. A certified copy  
☐ is enclosed or ☒ is on file in the prior application.
11. ☒ The prior application is assigned of record to: INSTITUT PASTEUR and INSTITUT NATIONAL DE LA SANTE ET DE RECHERCHE MEDICALE
12. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593;

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13. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
14. ☐ Recognize as associate attorney \_\_\_\_\_
15. ☐ Also enclosed is \_\_\_\_\_

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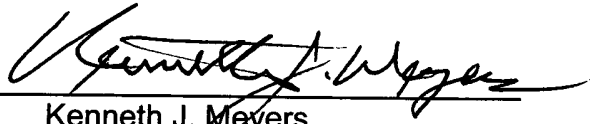
**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/015,078, filed

January 29, 1998, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 27, 2001

By:   
Kenneth J. Meyers  
Reg. No. 25,146

LAW OFFICES

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